

STATEMENT OF PETER READ, FATHER OF VT VICTIM MARY READ,
TO THE MONTANA STATE LEGISLATURE

February 13, 2014

Ladies and gentlemen, thank you for the opportunity to address you today. My name is Peter Read, father of shooting victim Mary Karen Read, a 2006 high school graduate and one of the thirty-two men and women shot to death on April 16, 2007 on the campus of Virginia Tech in Blacksburg, Virginia. The loss of 32 innocent lives on that day, along with the wounding of 25 more and the mental and emotional traumatizing of countless others, compels me to speak to you today—and to urge you to pass a bill requiring that records of people prohibited from owning guns due to mental illness be submitted to the national background check system.

You cannot imagine the sense of grief and loss families and friends of those killed in shootings endure, so I will not ask you to try. I will however, ask you to choose to deal with a particular issue that could help prevent such a tragedy, in Montana or elsewhere. And make no mistake, these tragedies are preventable.

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Exhibit 5

For fifty years, federal law has prohibited people with serious mental illness from owning or buying guns—people exactly like the Virginia Tech shooter, who had previously been found by a county court to be a danger to himself. And yet, the shooter easily passed two background checks and was able to purchase two semi-automatic handguns, which he then trained with and used to commit his horrendous crimes. How did this happen?

Because of gaps in Virginia law at that time, the order finding the shooter to be a danger to himself—which, again, prohibited him from buying guns—was not reported to the national background checks system. Because his name had not been reported, when the gun dealers then entered his name into the system, the system couldn't flag him as prohibited—and the dealers were told to proceed with the transactions. In the immediate wake of our shootings, the FBI noted that just 22 states reported any mental health information into the database at all. Our governor quickly acted to require reporting of commitments like the Virginia Tech shooter's—and a year later the legislature codified these provisions in Virginia law. The law in my state now requires county court clerks to submit a copy of any prohibiting order finding a defendant found incompetent—and to submit that information immediately. While Virginia is now much stronger because it has these laws, the laws cannot reverse the

tragedy that already occurred. And that brings me here, speaking before you today to ask that Montana do in 2015 what Virginia did too late for us.

Nearly seven years our shootings, thirty-five of the states have enacted laws expressly authorizing or requiring the submission of mental health records to NICS. States that have enacted such laws have in fact submitted greater numbers of records. In three years between March 2010 and May 2013, the number of records in the system increased more than three-fold—and there are now 2.7M prohibited people in the system. But despite this huge increase in the number of individuals identified in NICS, records of many individuals prohibited from possessing firearms because of their mental health histories are still missing from the database. The greatest gains in the numbers of state records submitted to NICS largely reflect the efforts of a small minority of states, and as of May 2013, 15 states had still submitted less than 100 records each.¹ And Montana—well Montana has submitted only 3 records total, while national leader Pennsylvania has submitted over 650,000.

When this information is submitted to NICS, it is very effective at preventing firearm transfers to dangerous people.

¹ At least three of these states (Rhode Island, New Hampshire, and Massachusetts) are currently working on legislative fixes.

Just as the number of seriously ill people in the background check system has increased, the number of denied gun sales to those people has also increased. The number of prohibited mentally ill people who failed a background check when trying to buy a gun increased four-fold between 2007 and 2012, from 520 people to 2301 people. Remember that the only way to stop these sales from taking place—the only way to enforce the law that bars dangerous people from getting armed—is a background check.

Federal law cannot require states to submit information to NICS; participation is strictly voluntary. However, effective background checks on prospective firearm purchasers depend on having complete, accurate information in the background check database. This is a critical public safety issue for all states, including Montana: We can only stop the seriously mentally ill from getting armed if we submit all records that would disqualify someone under federal law from purchasing or possessing firearms due to mental illness. The Montana legislature should require that its courts and hospitals report this information to NICS as quickly as possible.

You may think submitting these reports sounds expensive—keep in mind that the Department of Justice provides grant funding to states to help them implement these laws. In fact, 22

states, including Idaho, Utah, and Nebraska, have already received this funding—a total amount of over \$60 million.

Let me address one more issue before I close, that of privacy. Some states have cited a concern for privacy as a reason that records have not been submitted to NICS; however, the “mental health records” submitted to NICS include only individual identifiers and no actual clinical information. Additionally, information in the NICS system is tightly controlled, and may be accessed only for very limited purposes.

In closing, let me urge you, on behalf of my daughter and victims of preventable gun violence everywhere, to pass a record submission law next year, and help save lives. If Virginia had passed the kind of law you are considering prior to the shooting at Virginia Tech, my daughter might be alive today. Thank you.